

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BLACK EMERGENCY RESPONSE  
TEAM, et al.,

*Plaintiffs,*

v.

GENTNER DRUMMOND, in his official  
capacity as Oklahoma Attorney General, et  
al.,

*Defendants.*

Case No. 5:21-CV-1022-G

Hon. Charles B. Goodwin

**NOTICE OF APPEAL**

Plaintiffs Black Emergency Response Team (BERT), et al., appeal to the United States Court of Appeals for the Tenth Circuit from the Western District of Oklahoma’s Order (Doc. 173), issued on June 14, 2024, granting in part and denying in part Plaintiffs’ Motion for a Preliminary Injunction (Doc. 27) against State Defendants<sup>1</sup> and OU Regents Defendants<sup>2</sup> to enjoin 70 O.S. § 24-157 (hereinafter “the Act”).<sup>3</sup>

The District Court granted an injunction against the last sentence of Section (1)(A)(1) of the Act because Plaintiffs’ vagueness and overbreadth claims against the provision are likely to succeed. Doc. 173 at 10-13. The District Court also granted an injunction against the following provisions because Plaintiffs’ vagueness claims are likely

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<sup>1</sup> Defendants 1-18.

<sup>2</sup> Defendants 19-25.

<sup>3</sup> Plaintiffs also moved for a preliminary injunction against Edmond Public Schools (“EPS”). Doc. 27. The District Court dismissed Plaintiffs’ claims and denied Plaintiffs’ request for a preliminary injunction against EPS. Docs. 172, 173. Neither the dismissal of nor the denial of a preliminary injunction against EPS is subject to this appeal.

to succeed in regard to: (1) the word “require” in Section (1)(B)(1) of the Act; and (2) Sections (1)(B)(1)(c)-(d) in their entirety. *Id.* at 15-16, 18-21. The District Court denied Plaintiffs’ Motion for Preliminary Injunction against the remainder of the Act because it found Plaintiffs are not likely to succeed on: (1) their vagueness claims against the remainder of the act, and (2) their right to receive information claim on behalf of K-12 and university students. *Id.* at 7-26, 27.

Per Fed. App. P. Rule 3(c)(6), this appeal is limited to the District Court’s partial denial of Plaintiffs’ Motion for Preliminary Injunction on the basis of unconstitutional vagueness and the right to receive information and ideas.

Dated this 15th day of July 2024.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2024, I electronically filed the foregoing Notice of Appeal with the Clerk of Court via the Court's CM/ECF system, which effects service upon all counsel of record.

Respectfully submitted,

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